



OCT 17 2003

Attorney Docket # 502901-155

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Waldemar BRINKIS et al.

Serial No.: 10/615,134

Filed: July 08, 2003

For: Electronics Unit

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 14, 2003

(Date of Deposit)

Alfred W. Froebich.

Name of applicant, assignee or Registered Representative

Signature

October 14, 2003

Date of Signature

PETITION UNDER 37 C.F.R. 1.53(e)

S I R:

By this petition, applicants request that a filing date of July 8, 2003 be accorded to the above-identified application. A notice of Incomplete Nonprovisional Application mailed of October 2, 2003 indicates that a filing date was not accorded because (1) the application was deposited without drawings and (2) the oath or declaration is missing.

Regarding the first reason, a drawing was filed with the application as evidenced in the attached declaration by Alfred W. Froebich. Furthermore, it is respectfully submitted that the oath or declaration is not required for a filing date as stated in 35 U.S.C. §111(a) (3). Since a

drawing was filed with the application on July 8, 2003, it is respectfully requested that the above-identified application be accorded a filing date of July 8, 2003.

A petition fee of \$130 under 37 C.F.R. 1.17 (h) is submitted herewith. Since the application is entitled to a filing date, Applicants respectfully request a refund of the petition fee. Any additional fees or refunds may be charged or deposited in our Patent Trademark Office Deposit Account No. 03-2412.

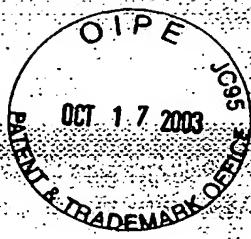
Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By



Alfred W. Froebich
Reg. No. 38,877
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: October 14, 2003



502901-155 TCP/AWF/MAM July 8, 2003

In re Application of
Waldemar BRINKIS et al.
Serial No.: Not Yet Assigned
Filed: Concurrently Herewith
For: Electronics Unit

17522 U.S. PTO
10/615134



07/08/03

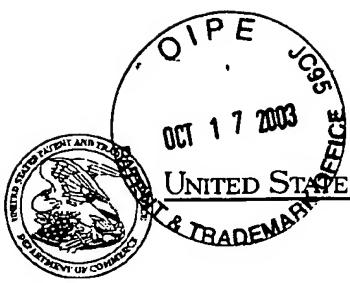
X

By Express Mail No. EV273338537US with the following enclosures:

1. Transmittal letter with Fee Computation Sheet
2. General Authorization For Payment of Fees
3. Title Page, Specification, Claims 1 to 21 & Abstract (16 pages)
4. 1 sheet of drawing (Fig. 1)
5. Check for \$ 822.00 for filing fee
6. Certified copy of priority document No(s). 102 30 712.1
7. Letter Transmitting Priority document
8. Information Disclosure Statement
9. PTO Form 1449 with copies (12 docs.) of cited references
10. Return Receipt Postcard

KINDLY DATE STAMP AND
TO ACKNOWLEDGE RECEIPT

QShnqL3901



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FLING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/615,134	07/08/2003	Waldemar Brinkis	502901-155

COHEN, PONTANI, LIEBERMAN & PAVANE
 Suite1210
 555 Fifth Avenue
 New York, NY 10176

Duplicate

CONFIRMATION NO. 8115
 FORMALITIES LETTER



OC000000010971603

Date Mailed: 10/02/2003

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

10/22/2003 SSITHIB1 00000067 10615134

02 FC:1051

130.00 OP

COHEN, PONTANI, LIEBERMAN & PAVANE

*A copy of this notice **MUST** be returned with the reply.*

OCT 6 -

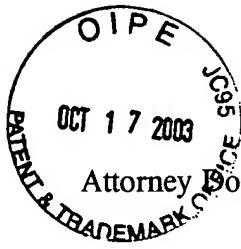
RECEIVED

M. NGUYEN

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Attorney Docket # 502901-155

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Waldemar BRINKIS et al.

Serial No.: 10/615,134

Filed: July 08, 2003

For: Electronics Unit

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 14, 2003

(Date of Deposit)

Alfred W. Froebrich

Name of applicant, assignee or Registered Representative

Signature

October 14, 2003

Date of Signature

RESPONSE TO NOTICE OF INCOMPLETE
NON-PROVISIONAL APPLICATION -FILING DATE GRANTED

SIR:

In order to complete the filing of missing parts for the above-identified application,

applicants submit herewith the following:

- Petition under 37 C.F.R. 1.53(e) with Declaration of Alfred W. Froebrich
- Executed Declaration and Power of Attorney
- Assignment of the invention to **Siemens Aktiengesellschaft**
- Check in the amount of \$130 to cover the fee for filing the Petition as required by 37 C.F.R. 1.17(h)
- Check in the amount of \$130.00 to cover the late filing of the Declaration and Power of Attorney, as required by 37 CFR 1.16(e).
- Check in the amount of \$40.00 to cover the recordation fee
- Copy of Notice of Incomplete Nonprovisional Application

In the event that any additional fees or charges are deemed necessary in connection with the application at the present time, the same may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By: 

Alfred W. Froebrich

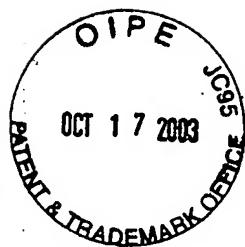
Reg. No. 38,887

551 Fifth Avenue

New York, New York 10176

(212) 687-2770

Dated: 14 October 2003



Attorney Docket # 502901-155

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Waldemar BRINKIS et al.

Serial No.: 10/615,134

Filed: July 08, 2003

For: Electronics Unit

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF ALFRED W. FROEBRICH

I, Alfred W. Froebrich, hereby declare and state that:

1. I am one of the attorneys-of-record in connection with the above-identified application. I am registered to practice before the United States Patent and Trademark Office (USPTO) under Registration No. 38,887.

2. On October 6, 2003, I received a Notice of Incomplete Nonprovisional Application which has a mailed date of October 2, 2003 and which states that the above-identified application was not accorded a filing date because (1) the application was filed without drawings and (2) the oath or declaration is missing.

3. In actuality, applicants did submit a drawing with the application on July 8, 2003. a true copy of the drawing, as mailed to the USPTO, is attached hereto.

4. Also attached hereto is a return receipt postcard which was filed with the application on July 8, 2003 and which lists the items which were filed with the application. Item 4 states that "1 sheet of drawing" was filed. The post card is date stamped with a filing date of July 8, 2003 as received by the Patent Office mail room and returned to the applicants' undersigned attorney as proof of the Patent Offices' receipt of the listed documents.

5. As should be apparent from the facts and circumstances related to this Declaration, 1 sheet of drawing was filed with the application.

6. Furthermore, an oath or declaration is not required to be filed with the specification and drawings under 35 U.S.C. §111(a) (3). Anexecuted declaration is being filed concurrently with the present petition.

7. Since a drawing was in fact filed with the application and because the oath or declaration is not required for a filing date, it is respectfully submitted that the above-identified application should be accorded a filing date of July 8, 2003.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 14th day of October, 2003


Alfred W. Froebrich